

PATENT
Attorney Docket No.: DIVER1350-4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Callen et al
Application No.: 10/029,382
Filed: December 21, 2001
Title: ENZYMES HAVING HIGH TEMPERATURE POLYMERASE
ACTIVITY AND METHODS OF USE THEREOF

Art Unit: 1652
Examiner: Unassigned

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed March 6, 2002,
enclosed are:

1. A copy of the Notice to File Missing Parts of Application (1 page);
2. An executed Declaration For Patent Application, copied from parent application (Serial No. 09/656,309) (3 pages);
3. Executed Power of Attorney by Assignee (2 pages);
4. Petition for Extension of Time (2 pages);
5. Request for Correction of Filing Receipt (4 pages);
6. Change of Attorney Address (1 page);
7. Check number 508234 in the amount of \$120.00; and
8. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on May 8, 2002, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231

Karen LePari
Karen LePari

In re Application of:
Swanson et al
Application No.: 10/029,382
Filed: December 21, 2001
Page 2

PATENT
Atty Docket No.: DIVER1350-4

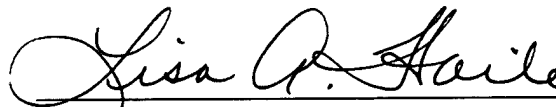
Applicants claim small entity status in the above-identified application. Pursuant to 37 C.F.R. § 1.27, a verified statement claiming small entity status is not required.

The filing fee has been calculated as follows.

	Number Filed		Number Extra		Rate			Fee	
					Large Entity	Small Entity		Small Entity	Large Entity
Total Claims	8 - 20	=	0	X	\$	\$09	=	\$ 0.00	\$ 0.00
Independent Claims	4 - 3	=	1	X	\$	\$42	=	\$42.00	\$ 0.00
Multiple Dependent Claims Presented: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					\$	\$140		\$0.00	
					BASIC FEE			\$370.00	\$ 0.00
					TOTAL FEE			\$412.00 (already paid)	\$ 0.00

XX Enclosed is a check in the amount of \$120.00 which includes \$55.00 as one-month extension of time fee and \$65.00 as payment for the surcharge fee for missing parts of the application. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

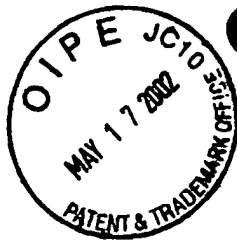
Respectfully submitted,



Lisa A. Haile, J.D., Ph.D.
Registration No.: 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Date: May 8, 2002

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer Number 28213



477

Receipt #18

PATENT

Attorney Docket No.: DIVER1350-4

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Application No.: 10/029,382
Filed: December 21, 2001
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ACTIVITY AND METHODS OF USE THEREOF

Art Unit: 1652
Examiner: Unassigned

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please add to the **ATTORNEY DOCKET NUMBER** as follows:

DIVER1350-4

Applicants accordingly request the correction be made of record and a corrected filing receipt be issued.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on May 8, 2002, in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231

Karen LePari

Karen LePari


In re Application of:
Callen et al
Application No.: 10/029,382
Filed: December 21, 2001
Page 2

PATENT
Atty Docket No.: DIVER1350-4

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: May 8, 2002



Lisa A. Haile, J.D., Ph.D.
Registration No.: 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

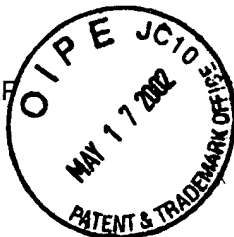
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MAR 19 2002

GRAYCARY/TELLIS
UNITED STATES PATENT AND TRADEMARK OFFICECOMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/029,382	12/21/2001	Walter Callen	

28213

GARY CARY WARE & FRIENDENRICH LLP
4365 EXECUTIVE DRIVE
SUITE 1600
SAN DIEGO, CA 92121-2189

CONFIRMATION NO. 4407

FORMALITIES LETTER



OC000000007587391

#5

Date Mailed: 03/06/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/20/2002 BABRAHA1 00000080 10029382

01 FC:205

65.00 OP

MAR 19 2002

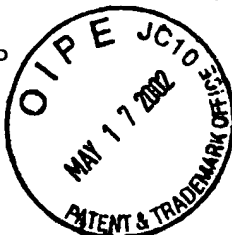


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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/029,382	12/21/2001	1652	412	DIV 1350-4	9	8	4

28213
GARY CARY WARE & FRIENDENRICH LLP
4365 EXECUTIVE DRIVE
SUITE 1600
SAN DIEGO, CA 92121-2189



CONFIRMATION NO. 4407

FILING RECEIPT



OC000000007587390

Date Mailed: 03/06/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Walter Callen, San Diego, CA;
Eric J. Mathur, Carlsbad, CA;
Jay Short, Rancho Santa Fe, CA;

Assignment For Published Patent Application

Diversa Corporation, San Diego, CA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/656,309 09/06/2000
WHICH IS A CIP OF 09/391,340 09/07/1999
WHICH IS A DIV OF 08/907,166 08/06/1997 PAT 5,948,666

Foreign Applications

If Required, Foreign Filing License Granted 03/01/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Enzymes having high temperature polymerase activity and methods of use thereof

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).